

Executive Summary – Enforcement Matter – Case No. 56228
City of Point Comfort
RN101920577
Docket No. 2018-0762-MWD-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

MWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Point Comfort WWTF, located on Pease Street, at the intersection of Murrah Street and Pease Street, approximately 2,900 feet northwest of the intersection of Farm-to-Market Road 1593 and State Highway 35, Calhoun County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 14, 2018

Comments Received: No

Penalty Information

Total Penalty Assessed: \$23,625

Total Paid to General Revenue: \$23,625

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: May 29, 2018

Date(s) of NOE(s): May 31, 2018

Executive Summary – Enforcement Matter – Case No. 56228
City of Point Comfort
RN101920577
Docket No. 2018-0762-MWD-E

Violation Information

Failed to comply with permitted effluent limitations for pH, total suspended solids, and *Enterococci* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010599001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to, within 130 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit WQ0010599001, including specific corrective actions that were implemented at the Facility to return to compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Harley Hobson, Enforcement Division, Enforcement Team 1, MC 219, (512) 239-1337; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Mitchel McBride, Department Head, City of Point Comfort, P.O. Box 497, Point Comfort, Texas 77978

The Honorable Leslie Machicek, Mayor, City of Point Comfort, P.O. Box 497, Point Comfort, Texas 77978

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	4-Jun-2018	Screening	4-Jun-2018	EPA Due	
	PCW	5-Jun-2018				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Point Comfort		
Reg. Ent. Ref. No.	RN101920577		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	56228	No. of Violations	2
Docket No.	2018-0762-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Harley Hobson
		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$17,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	35.0%	Adjustment	Subtotals 2, 3, & 7	\$6,125
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Notes: Enhancement for three months of self-reported effluent violations and one order containing a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$2,274		
Estimated Cost of Compliance	\$20,000		

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$23,625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$23,625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$23,625
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$23,625
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Screening Date 4-Jun-2018

Docket No. 2018-0762-MWD-E

PCW

Respondent City of Point Comfort

Policy Revision 4 (April 2014)

Case ID No. 56228

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920577

Media [Statute] Water Quality

Enf. Coordinator Harley Hobson

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three months of self-reported effluent violations and one order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 4-Jun-2018

Docket No. 2018-0762-MWD-E

PCW

Respondent City of Point Comfort

Policy Revision 4 (April 2014)

Case ID No. 56228

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920577

Media [Statute] Water Quality

Enf. Coordinator Harley Hobson

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010599001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3

Violation Description Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	X			30.0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Human health or the environment has been exposed to pollutants which exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$17,500

\$7,500

Violation Events

Number of Violation Events 2 60 Number of violation days

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$15,000

Two monthly events are recommended for September 2017 and November 2017.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$15,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,274

Violation Final Penalty Total \$20,250

This violation Final Assessed Penalty (adjusted for limits) \$20,250

Economic Benefit Worksheet

Respondent City of Point Comfort
 Case ID No. 56228
 Reg. Ent. Reference No. RN101920577
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$20,000	30-Apr-2017	8-Aug-2019	2.27	\$2,274	n/a	\$2,274

Notes for DELAYED costs

Estimated cost to determine the cause of the non-compliance and make any necessary repairs/adjustments at the Facility. Date required is the end date of the first month of non-compliance. Final date is the anticipated compliance date.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20,000

TOTAL

\$2,274

Screening Date 4-Jun-2018

Docket No. 2018-0762-MWD-E

PCW

Respondent City of Point Comfort

Policy Revision 4 (April 2014)

Case ID No. 56228

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101920577

Media [Statute] Water Quality

Enf. Coordinator Harley Hobson

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010599001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3

Violation Description

Failed to comply with permitted effluent limitations, as shown in the attached effluent violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 2

61 Number of violation days

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended for the quarters containing the months of April 2017 and October 2017.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,375

This violation Final Assessed Penalty (adjusted for limits) \$3,375

Economic Benefit Worksheet

Respondent City of Point Comfort

Case ID No. 56228

Reg. Ent. Reference No. RN101920577

Media Water Quality

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit for Violation No. 1.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

City of Point Comfort
Docket No. 2018-0762-MWD-E
TPDES Permit No. WQ0010599001
Case No. 56228

Effluent Violation Table

	Permitted Effluent Limitations			
	Enterococci Single Grab	pH Minimum	TSS Daily Average Conc.	TSS Single Grab Conc.
Monitoring Period	Limit = 104 CFU/100mL	Limit = 6 SU	Limit = 20 mg/L	Limit = 65 mg/L
April 2017	157	c	c	c
September 2017	2,419	c	c	c
October 2017	108.1	4.7	37	86
November 2017	1,732	4.01	37.25	78

c = compliant
 SU = standard units
 CFU/100 mL = colony
 forming units per 100 milliliters

Conc. = Concentration
 TSS = Total Suspended Solids
 mg/L = milligrams per liter

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TCEQ Compliance History Report

Compliance History Report for CN600680094, RN101920577, Rating Year 2017 which includes Compliance History (CH) components from September 1, 2012, through August 31, 2017.

Customer, Respondent, or Owner/Operator: CN600680094, City of Point Comfort **Classification:** SATISFACTORY **Rating:** 4.35

Regulated Entity: RN101920577, CITY OF POINT COMFORT **Classification:** SATISFACTORY **Rating:** 5.44

Complexity Points: 4 **Repeat Violator:** NO

CH Group: 08 - Sewage Treatment Facilities

Location: Located on Pease Street, at the intersection of Murrah Street and Pease Street, approximately 2,900 feet northwest of the intersection of Farm-to-Market Road 1593 and State Highway 35 in Calhoun County, Texas

TCEQ Region: REGION 14 - CORPUS CHRISTI

ID Number(s):
WASTEWATER PERMIT WQ0010599001 **WASTEWATER EPA ID** TX0023167
WASTEWATER LICENSING LICENSE WQ0010599001

Compliance History Period: September 01, 2012 to August 31, 2017 **Rating Year:** 2017 **Rating Date:** 09/01/2017

Date Compliance History Report Prepared: June 04, 2018

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: June 04, 2013 to June 04, 2018

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Harley Hobson **Phone:** (512) 239-1337

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 11/22/2015 ADMINORDER 2015-0917-MWD-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: failed to comply with permitted effluent limitations, as documented during a record review conducted on May 19, 2015.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	June 11, 2013	(1110496)	Item 4	September 15, 2013	(1129743)
Item 2	July 16, 2013	(1117384)	Item 5	October 16, 2013	(1135478)
Item 3	August 13, 2013	(1125151)	Item 6	November 13, 2013	(1140870)

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 6/4/2013 and 6/4/2018

1	Date:	12/31/2013	(1153398)	Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only		
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
2	Date:	01/31/2014	(1160734)	Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only		
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
3	Date:	02/28/2014	(1167387)	Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only		
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
4	Date:	12/31/2014	(1248818)	Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only		
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
5	Date:	02/28/2015	(1248817)	Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only		
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
6	Date:	03/31/2015	(1255707)	Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only		
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
7	Date:	04/30/2015	(1262426)	Classification:	Moderate
	Self Report?	YES	For Informational Purposes Only		
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
8	Date:	05/20/2016	(1308218)	Classification:	Minor
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Sludge Provisions, Section III (G) PERMIT			
	Description:	Failed to submit a complete annual sludge report.			
				Classification:	Moderate
	Self Report?	NO	For Informational Purposes Only		
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			

Description: Monitoring and Reporting RQMTs No. 7(c) PERMIT
Failed to provide notification of any effluent violation that deviates from the permitted effluent limitation by more than 40% to the Regional Office within 5 working days of becoming aware of the noncompliance.

- 9* Date: 04/30/2017 (1431420) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 10 Date: 09/30/2017 (1456163) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 11 Date: 10/31/2017 (1461636) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
- 12 Date: 11/30/2017 (1468016) Classification: Moderate
Self Report? YES For Informational Purposes Only
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

* NOVs applicable for the Compliance History rating period 9/1/2012 to 8/31/2017

Appendix B

All Investigations Conducted During Component Period June 04, 2013 and June 04, 2018

- Item 1* June 11, 2013** (1110496) For Informational Purposes Only
- Item 2* July 16, 2013** (1117384) For Informational Purposes Only
- Item 3* August 13, 2013** (1125151) For Informational Purposes Only
- Item 4* September 15, 2013** (1129743) For Informational Purposes Only
- Item 5* October 16, 2013** (1135478) For Informational Purposes Only
- Item 6* November 13, 2013** (1140870) For Informational Purposes Only
- Item 7* December 16, 2013** (1147338) For Informational Purposes Only
- Item 8 January 13, 2014** (1153398) For Informational Purposes Only

		(1160734)
Item 9	February 18, 2014**	For Informational Purposes Only
		(1167387)
Item 10	March 15, 2014**	For Informational Purposes Only
		(1174509)
Item 11*	April 14, 2014**	For Informational Purposes Only
		(1180708)
Item 12*	June 20, 2014**	For Informational Purposes Only
		(1198891)
Item 13*	July 21, 2014**	For Informational Purposes Only
		(1198892)
Item 14*	August 13, 2014**	For Informational Purposes Only
		(1206001)
Item 15*	September 17, 2014**	For Informational Purposes Only
		(1212416)
Item 16*	October 27, 2014**	For Informational Purposes Only
		(1218665)
Item 17*	November 24, 2014**	For Informational Purposes Only
		(1224445)
Item 18*	December 22, 2014**	For Informational Purposes Only
		(1248816)
Item 19*	April 09, 2015**	For Informational Purposes Only
		(1248818)
Item 20	April 17, 2015**	For Informational Purposes Only
		(1262426)
Item 21	May 22, 2015**	For Informational Purposes Only
		(1253069)
Item 22	June 04, 2015**	For Informational Purposes Only
		(1269592)
Item 23*	June 24, 2015**	For Informational Purposes Only
		(1277134)
Item 24*	July 23, 2015**	For Informational Purposes Only
		(1283314)
Item 25*	August 17, 2015**	For Informational Purposes Only
		(1290452)
Item 26*	September 17, 2015**	For Informational Purposes Only
		(1296656)
Item 27*	October 16, 2015**	For Informational Purposes Only
		(1302106)
Item 28*	December 10, 2015**	For Informational Purposes Only
		(1309037)
Item 29*	December 16, 2015**	For Informational Purposes Only
		(1315820)

Item 30*	January 14, 2016**	For Informational Purposes Only (1325214)
Item 31*	February 11, 2016**	For Informational Purposes Only (1331946)
Item 32*	March 17, 2016**	For Informational Purposes Only (1339104)
Item 33*	April 07, 2016**	For Informational Purposes Only (1345902)
Item 34*	May 09, 2016**	For Informational Purposes Only (1308218)
Item 35	May 20, 2016**	For Informational Purposes Only (1352348)
Item 36*	June 13, 2016**	For Informational Purposes Only (1359318)
Item 37*	July 11, 2016**	For Informational Purposes Only (1365746)
Item 38*	August 15, 2016**	For Informational Purposes Only (1372443)
Item 39*	September 15, 2016**	For Informational Purposes Only (1378618)
Item 40*	October 14, 2016**	For Informational Purposes Only (1384583)
Item 41*	November 10, 2016**	For Informational Purposes Only (1337911)
Item 42	December 09, 2016**	For Informational Purposes Only (1397332)
Item 43*	January 11, 2017**	For Informational Purposes Only (1404217)
Item 44*	February 15, 2017**	For Informational Purposes Only (1411316)
Item 45*	May 03, 2017**	For Informational Purposes Only (1431421)
Item 46*	June 18, 2017**	For Informational Purposes Only (1431420)
Item 47	July 09, 2017**	For Informational Purposes Only (1443712)
Item 48*	August 31, 2017**	For Informational Purposes Only (1450327)
Item 49*	September 18, 2017	For Informational Purposes Only (1456163)
Item 50	October 18, 2017	For Informational Purposes Only (1461636)

Item 51	December 20, 2017	For Informational Purposes Only (1474717)
Item 52*	January 16, 2018	For Informational Purposes Only (1486938)
Item 53*	February 12, 2018	For Informational Purposes Only (1486158)
Item 54	May 31, 2018	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2012 and 08/31/2017.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF POINT COMFORT
RN101920577**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2018-0762-MWD-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Point Comfort (the "Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a wastewater treatment facility located on Pease Street, at the intersection of Murrah Street and Pease Street, approximately 2,900 feet northwest of the intersection of Farm-to-Market Road 1593 and State Highway 35 in Calhoun County, Texas (the "Facility"). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. During a record review conducted on May 29, 2018, an investigator documented that the Respondent failed to comply with permit effluent limitations, as shown in the effluent violation table below:

Effluent Violation Table				
	Permitted Effluent Limitations			
	Enterococci Single Grab	pH Minimum	TSS Daily Average Conc.	TSS Single Grab Conc.
Monitoring Period	Limit = 104 CFU/100mL	Limit = 6 SU	Limit = 20 mg/L	Limit = 65 mg/L
April 2017	157	c	c	c
September 2017	2,419	c	c	c
October 2017	108.1	4.7	37	86
November 2017	1,732	4.01	37.25	78

c = compliant

SU = standard units

CFU/100 mL = colony

forming units per 100 milliliters

Conc. = Concentration

TSS = Total Suspended Solids

mg/L = milligrams per liter

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 26 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with permitted effluent limitations, as shown in the attached effluent violation table, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010599001, Effluent Limitations and Monitoring Requirements Nos. 1 and 3.
3. Pursuant to TEX. WATER CODE § 7.051, the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$23,625 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Respondent paid the \$23,625 penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Point Comfort, Docket No. 2018-0762-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that, within 130 days after the effective date of this Order, the Respondent shall submit written certification of compliance with the permitted effluent limitations of TPDES Permit WQ0010599001, including specific corrective actions that were implemented at the Facility to return to compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5839

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and

may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Pamela Davis

3/7/18

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Mitchel McBride
Signature

8-14-18
Date

Mitchel McBride
Name (Printed or typed)
Authorized Representative of
City of Point Comfort

Department Head
Title

☐ If mailing address has changed, please check this box and provide the new address below: